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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/543,184

07/22/2005

Martin E. Laker

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EXAMINER

NGAMPA, BRIGET P

ART UNIT

PAPER NUMBER

1792

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/543,184	<b>Applicant(s)</b> LAKER ET AL.	
	<b>Examiner</b> BRIGET P. NGAMPA	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-15, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-15, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/03/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **Detailed Action**

1. Applicant's election of group II in the reply filed on July 22, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 1-7 and 16-17 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention of group I, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 22, 2005.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 8-9, 13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over A. C. Belvedere (Patent number 3,307,214, hereafter '214) and further in view of Smith. (P.G.Pub number 2002/0160157, hereafter '157).

With respect to claims 8, 9, 19, 20 '214 teach by way of its figure, a method of making antistatic / tack cloth, by impregnating a woven or non woven fibrous material (13), [col 2, line15-16] with a solution in a dip tank (10) containing chemical ingredients [col 2, line 53]. The cloth (12) is thence squeezed between a pair of squeeze rolls (16), the

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impregnated cloth is then sent to an enclosed drying cabinet (20), [col 2, lines 58-59]; when the cloth emerges from the drier it could be sent alternatively directly to a cutter for making small cloth [col 2, lines 65-68]. The finish cloth is tacky and antistatic [col 2, lines 69-70]. '214 fails to teach that when the squeeze rolls remove the excess chemical out of the cloth. '157 shows on figure 2 the woven cloth coming out of the chemical tank and passing through a pair of pinch rollers (58, 60) that squeeze the excess chemical out of the cloth [0017]. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the pinch rollers of '157 in the method of '214 in order to remove excess chemical from the cloth because '157 teach that pinch roller remove excess chemical from cloth.

With respect to claim 18, pinch roller must have a certain amount of force apply to it in order to remove the excess chemical from the cloth. Neither reference does teach the amount of pressure being applied by the pinch roller. However, one readily recognize that the pressure between rollers controls the amount of solution that will be removed from the fibers and the amount of liquid left on the cloth. Therefore, the force applied to the roller is results effective variable. It would have been obvious to one of ordinary skill in the art at the time of the invention to have applied enough force to the rollers in order to remove enough liquid from the cloth.

With respect to claim 13, '214 teach the limitation of claim 8, but it failed to teach that the cloth is cut by a heated tool which cuts and seals the cloth to eliminate loose

fibers. '157 teach that the thread is cut-off by utilizing heated wires or other types of thread cutting devices [0015] in this case pinking shears is used to serrate which results in keeping the threads of the tack cloth intact [0023]. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the heated tool of '157 to cut the cloth of '214 because they both want to cut the cloth and eliminate loose fibers; and '157 teaches cutting with heated tools keeps the threads of the tack cloth intact.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over A. C. Belvedere (Patent number 3,307,214, hereafter '214) in view of Smith. (P.G.Pub number 2002/0160157, hereafter '157) and further in view of Lerner et al. (patent number 5,198,292, hereafter '292)

With respect to claims 11 and 12, '214 and '157 teach the limitations of claim 8 but failed to teach that the cloth could be a knitted continuous synthetic filament such as polyester. '292 teach that the tack cloth can be a knitted fabric [col 4, line 21-23] and polyester fibers can be used as well in the application of tackifiers [col 5, lines 9-12]. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the knitted polyester fibers of '292 in the method of '214 and '157 to make a tack cloth because knitted polyester fiber assist better in the application of tackifier.

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6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over A. C. Belvedere (Patent number 3,307,214, hereafter '214) and further in view of Ogata (Patent number 3,952,128, hereafter '128).

With respect to claims 10, '214 teach that the cloth to be impregnated (12) is sent to the dip tank (10) from the stock roll (13) (unwinding process). '214 failed to teach the speed and temperature at which the cloth passes through. '128 teaches that in making antistatic polyester cloth, endless cloth of polyester are padded in a treating solution at a speed of 7m/min (22.9 ft/min) [col 16, lines 45-49] at a temperature range of 150-200°C (302-392 °F) [col 6, lines 46-48]. The rate of the cloth is a result effective variable because it affects the overall processing time. It would have been obvious to one of ordinary skill in the art at the time of the invention to have optimized the speed at which the cloth is being treated in order to advance processing.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over A. C. Belvedere (Patent number 3,307,214, hereafter '214) and further in view of Pregozen et al. (patent number 4,559,151, hereafter '151).

With respect to claims 14 and 15, '214 teach the limitations of claim 8 but failed to teach that dip tank (bath) is provided with the specific anti-static alkyl quaternary ammonium salt. '151 teach that the antistatic composition for application to textile fabric comprise alkyl quaternary ammonium salt [Abst]. It would have been obvious to one of

ordinary skill in the art at the time of the invention to have used this particular alkyl of '151 in the composition of '214 with reasonable expectation of success because '151 teaches that it is a suitable ingredient for making textile antistatic.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIGET P. NGAMPA whose telephone number is (571)270-1866. The examiner can normally be reached on M-F, 830-4:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Michael Cleveland/

Supervisory Patent Examiner, Art Unit 1792